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49 than \$10,000,000
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51 AUTHORITY: Implementing and authorized by the Illinois Community Reinvestment Act [205
52 ILCS 735].

53
54 SOURCE: Adopted at 47 Ill. Reg. _____, effective _____.

55
56 SUBPART A: GENERAL

57
58 **Section 185.10 Authority, Purposes and Scope**

- 59
60 a) The Illinois Community Reinvestment Act (ILCRA) [205 ILCS 735] authorizes
61 this Part.
62
63 b) Purposes. This Part is intended to carry out the purposes of the Illinois
64 Community Reinvestment Act (ILCRA) by establishing the framework and
65 criteria by which the Secretary assesses a covered credit union's ILCRA record.
66 These rules shall be liberally construed to effectuate their purpose. Without
67 limiting the aforementioned purpose, specific purposes of this Part include:
68
69 1) Establishment of rules pursuant to Section 35-10(b) of the ILCRA, which
70 requires that this Part incorporate federal rules promulgated under the
71 federal Community Reinvestment Act (12 U.S.C. 2901; see also 12 CFR
72 Part 345). Specifically, Section 35-10(b) of the ILCRA states, in relevant
73 part: *To assist in carrying out this Act, the Secretary shall adopt rules*
74 *incorporating the regulations applicable to covered financial institutions*
75 *under federal law, and the Secretary may make such adjustments and*
76 *exceptions thereto as are deemed necessary.*
77
78 2) Accordingly, this Part
79
80 i) may include references to federal statutes or rules established
81 pursuant to the federal Community Reinvestment Act; and
82
83 ii) except where this Subpart makes adjustments or exceptions to the
84 administrative rules established pursuant to the federal Community
85 Reinvestment Act or where inconsistent with the ILCRA or this
86 Subpart, this Subpart shall be construed and interpreted

87 consistently with the appropriate federal financial supervisory
88 agency's construction and interpretation of the federal rules.

- 89
90 3) Establishment of rules as required by Section 35-10(c) of the ILCRA.
91 These rules shall be liberally construed to effectuate their purpose.
92
93 4) Establishment of rules as the Secretary may deem appropriate as
94 authorized by the Act under Section 35-15(a), Section 35-35, or otherwise.
95

- 96 c) Scope. This Part applies to credit unions. Except as context otherwise indicates,
97 this Part does not apply to a bank chartered under the Illinois Banking Act, a
98 savings bank chartered under the Illinois Savings Bank Act, an entity licensed
99 under the Illinois Residential Mortgage License Act of 1987 which lent or
100 originated 50 or more residential mortgage loans in the previous calendar year,
101 and any other financial institution under the jurisdiction of the Department as
102 designated by rule by the Secretary.
103

104 **Section 185.20 Definitions**

105
106 For purposes of this Part, the following definitions apply:
107

108 "Affiliate" means any company that controls, is controlled by, or is under
109 common control with another company. The term "control" has the meaning
110 given to that term in 12 U.S.C. 1841(a)(2), and a company is under common
111 control with another company if both companies are directly or indirectly
112 controlled by the same company.
113

114 "Alternative financial products or services" means financial products or services
115 offered by persons other than an insured depository institution at a higher cost
116 than comparable services offered by an insured depository institution.
117

118 "Area median income" means:

119
120 the median family income for the MSA/CBSA, if a person or geography is
121 located in an MSA/CBSA; or

122
123 the statewide nonmetropolitan median family income, if a person or
124 geography is located outside an MSA/CBSA.
125

126 "Assessment area" means a geographic area delineated in accordance with Section
127 400.
128

129 "Application" means an application for the establishment of a branch, office, or
130 other facility, the relocation of a main office, branch, office, or other facility
131 license renewal, change in control of a covered financial institution, or a merger
132 or consolidation with or the acquisition of assets or assumption of liabilities of
133 any financial institution, out-of-state bank, credit union, or residential mortgage
134 licensee, national bank or credit union, or foreign financial institution.

135
136 "Automated teller machine (ATM)" means an automated, unstaffed banking
137 facility owned or operated by, or operated exclusively for, the credit union at
138 which deposits are received, cash dispersed, or money lent.

139
140 "Branch" means a staffed facility established or acquired as a branch under
141 Illinois law.

142
143 "CBSA" means a core based statistical area as defined by the Director of the
144 Office of Management and Budget.

145
146 "Community development" means:

147
148 Affordable housing (including multifamily rental housing) for low- and
149 moderate-income individuals;

150
151 Community services targeted to low- and moderate-income individuals;

152
153 Activities that promote economic development by financing businesses or
154 farms that meet the size eligibility standards of the Small Business
155 Administration's Development Company or Small Business Investment
156 Company programs (13 CFR 121.301) or have gross annual revenues of
157 \$1 million or less; or

158
159 Activities that revitalize or stabilize –

160
161 low- or moderate-income geographies;

162
163 designated disaster areas; or

164
165 distressed or underserved nonmetropolitan middle-income
166 geographies designated by the Board of Governors of the Federal
167 Reserve System, the Federal Deposit Insurance Corporation, and
168 the Office of the Comptroller of the Currency, based on –

169
170 rates of poverty, unemployment, and population loss; or

171

172 population size, density, and dispersion. Activities
173 revitalize and stabilize geographies designated based on
174 population size, density, and dispersion if they help to meet
175 essential community needs, including needs of low- and
176 moderate-income individuals; or

177
178 unbanked or underbanked geographies.

179
180 activities targeted to directly and tangibly –

181
182 increase climate resilience in low-income to moderate-income
183 neighborhoods; or

184
185 mitigate environmental harm in low-income to moderate-income
186 neighborhoods.

187
188 any other such area as determined by the Secretary based on –

189
190 Rates of poverty, unemployment, and population loss; or

191
192 Population size, density, and dispersion. Activities revitalize and
193 stabilize geographies designated based on population size, density,
194 and dispersion if they help to meet essential community needs,
195 including needs of low- and moderate-income individuals.

196
197 "Community development loan" means a loan that:

198
199 has as its primary purpose community development; and

200
201 except in the case of a wholesale or limited purpose credit union:

202
203 has not been reported or collected by the credit union or an affiliate
204 for consideration in the credit union's assessment as a home
205 mortgage or consumer loan, unless it is a multifamily dwelling
206 loan (as described in Appendix A to 12 CFR 203, the Consumer
207 Financial Protection Bureau's implementing regulations for the
208 Home Mortgage Disclosure Act); and

209
210 benefits the credit union's assessment area or a broader Statewide
211 or regional area that includes the credit union's assessment area.

212
213 "Community development service" means a service that:

214

215 has as its primary purpose community development;
216
217 is related to the provision of financial services; and
218
219 has not been considered in the evaluation of the credit union's retail
220 banking services under Section 185.240(d).
221
222 "Community Reinvestment Act" unless context indicates otherwise means the
223 Illinois Community Reinvestment Act ("ILCRA").
224
225 "Consumer loan" means a loan to one or more individuals for household, family,
226 or other personal expenditures. A consumer loan does not include a home
227 mortgage or small business loan. Consumer loans include the following categories
228 of loans:
229
230 Motor vehicle loan, a consumer loan extended for the purchase of and
231 secured by a motor vehicle;
232
233 Credit card loan, a line of credit for household, family, or other personal
234 expenditures that is accessed by a borrower's use of a "credit card", as this
235 term is defined in 12 CFR 1026.2;
236
237 Home equity loan, a consumer loan secured by a residence of the
238 borrower;
239
240 Other secured consumer loan, a secured consumer loan that is not included
241 in one of the other categories of consumer loans; and
242
243 Other unsecured consumer loan, an unsecured consumer loan that is not
244 included in one of the other categories of consumer loans.
245
246 "Credit union" means a corporation chartered under a cooperative, non-profit
247 association, incorporated under the Illinois Credit Union Act.
248
249 "Department" means the Illinois Department of Financial and Professional
250 Regulation.
251
252 "Disparity Study" means a study conducted by or on behalf of the Department
253 pursuant to Section 185.210(h).
254
255 "Field of membership" means the members or persons eligible to join a credit
256 union consisting of one or more of the following common bonds: association,
257 occupation or community.

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"Fiscal year" means the fiscal year for the State of Illinois (starts July 1 and ends June 30).

"Geography" means a census tract or a block numbering area delineated by the United States Bureau of the Census in the most recent decennial census.

"Home mortgage loan" means a closed-end mortgage loan or an open-end line of credit as these terms are defined under 12 CFR 1003.2 and that is not an excluded transaction under 12 CFR 1003.3(c)(1) through (10) and (13).

"Income level" includes:

Low-income, an individual income that is less than 50% of the area median income, or a median family income that is less than 50%, in the case of a geography.

Moderate-income, an individual income that is at least 50% and less than 80% of the area median income, or a median family income that is at least 50% and less than 80%, in the case of a geography.

Middle-income, an individual income that is at least 80% and less than 120% of the area median income, or a median family income that is at least 80% and less than 120%, in the case of a geography.

Upper-income, an individual income that is 120% or more of the area median income, or a median family income that is 120% or more, in the case of a geography.

"Institution", unless context indicates otherwise institution means a credit union.

"Limited purpose institution or limited purpose credit union", an institution that offers only a narrow product line (such as credit card or motor vehicle loans) to a regional or broader market and for which a designation as a limited purpose institution is in effect, in accordance with Section 185.250(2).

"Loan location", a loan is located as follows:

a consumer loan is located in the geography where the borrower resides;

a home mortgage loan is located in the geography where the property to which the loan relates is located; and

301 a small business loan is located in the geography where the main business
302 facility or farm is located or where the loan proceeds otherwise will be
303 applied, as indicated by the borrower.
304

305 "Loan production office" means a staffed facility of a credit union, other than a
306 branch, that is open to the public or members and that provides lending-related
307 services, such as loan information and applications.
308

309 "Metropolitan division" means a metropolitan division as defined by the United
310 States Director of the Office of Management and Budget.
311

312 "MSA" means a metropolitan statistical area or a primary metropolitan statistical
313 area as defined by the United States Director of the Office of Management and
314 Budget.
315

316 "Person" means any individual, partnership, joint venture, trust, estate, firm,
317 corporation, cooperative society or association, or any other form of business
318 association or legal entity.
319

320 "Protected characteristic" means any basis for which discrimination is prohibited
321 by a law for which a credit union is examined for compliance under this Part,
322 including but not limited to, under the Illinois Human Rights Act for example,
323 race, color, religion, national origin, ancestry, age, sex, marital status, order of
324 protection status, disability, military status, sexual orientation, pregnancy, or
325 unfavorable discharge from military service.
326

327 "Public lobby" means an area generally accessible to a credit union's members
328 which allows for easy reading of notices in the place of business.
329

330 "Qualified investment" means a lawful investment, deposit, membership share, or
331 grant that has as its primary purpose community development, and lawful
332 investments include the following:
333

334 corporations for the purpose of micro-lending in the area of small business
335 and small farms;
336

337 corporations for the purpose of providing technical assistance to nonprofit
338 housing corporations, small businesses and farms for the purpose of
339 establishing creditworthiness;
340

341 contributions to any private nonprofit organization organized for
342 improving the social and economic conditions, such as community
343 development and redevelopment programs, small business technical

344 assistance, and educational institutions, in communities in which the credit
345 union has an office; and

346
347 contributions for the purpose of relieving suffering or distress resulting
348 from disaster or other calamity, such as hurricane or flood, occurring in
349 any part of the State; and

350
351 contributions to community development and redevelopment programs.

352
353 "Secretary" means the Secretary or Acting Secretary of the Financial and
354 Professional Regulation and his or her authorized representatives.

355
356 "Small credit union" means a credit union that, as of December 31 of either of the
357 prior two calendar years, had total assets of less than \$1.503 billion. "Intermediate
358 small credit union" means a small credit union with assets of at least \$376 million
359 as of December 31 of both of the prior two calendar years and less than \$1.503
360 billion as of December 31 of either of the prior two calendar years. The dollar
361 figures in the small credit union definition of this section may be adjusted
362 annually and published by the Secretary, based on the year to year change in the
363 average of the Consumer Price Index for Urban Wage Earners and Clerical
364 Workers, not seasonally adjusted for each twelve-month period ending in
365 November, with rounding to the nearest million.

366
367 "Small business loan" means a loan to a business with gross annual revenues of
368 \$1,000,000.00. For purposes of this Part, small business loan includes small farm
369 loans.

370
371 "Special Credit Program" means any credit program offered by a credit union to
372 meet special social needs which is in conformity with and explicitly authorized by
373 the Equal Credit Opportunity Act, 15 U.S.C. § 1691(c) and Regulation B, 12
374 C.F.R. § 1002.8, and the Illinois Human Rights Act 775 ILCS 5/4-104(C).

375
376 "Unbanked person" means a person who does not have a checking or savings
377 account with an insured bank, savings bank, or credit union.

378
379 "Underbanked person" means a person that has a checking or savings account
380 with an insured depository institution but that used alternative financial products
381 or services in the past 12 months.

382
383 "Wholesale credit union" means a credit union that is not in the business of
384 extending home mortgage, small business, small farm, or consumer loans to retail
385 customers, and for which a designation as a wholesale credit union is in effect, in
386 accordance with Section 185.250(b).

SUBPART B: STANDARDS OF ASSESSING PERFORMANCE

Section 185.200 Assessment Factors

- a) As used in this Part, “assessment factors” means the assessment of the following factors to determine whether a credit union is meeting the financial services needs of local communities:
- 1) activities to ascertain the financial services needs of the community, including communication with community members regarding the financial services provided;
 - 2) extent of marketing to make members of the community aware of the financial services offered;
 - 3) origination of mortgage loans including, but not limited to, home improvement and rehabilitation loans, and other efforts to assist existing low-income and moderate-income residents to be able to remain in affordable housing in their neighborhoods;
 - 4) for small business lenders, the origination of loans to businesses with gross annual revenues of \$1,000,000.00 or less, particularly those in low-income and moderate-income neighborhoods;
 - 5) participation, including investments, in community development and redevelopment programs, small business technical assistance programs, minority-owned depository institutions, community development financial institutions, and mutually-owned financial institutions;
 - 6) efforts working with delinquent customers to facilitate a resolution of the delinquency;
 - 7) origination of loans that show an under concentration and a systemic pattern of lending resulting in the loss of affordable housing units;
 - 8) evidence of discriminatory and prohibited practices; and
 - 9) offering retail banking services to unbanked and underbanked persons.
- b) In applying these factors, the Secretary shall account for a credit union’s field of membership and any lending or investment limitation or prohibition applicable to the credit union pursuant to law.

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Section 185.210 Performance Tests, Standards, and Ratings, In General

- a) Performance tests and standards. The Secretary assesses the ILCRA performance of a credit union in an examination as follows:
 - 1) The Secretary shall apply the assessment factors, as provided in Section 185.200, and the lending and service tests, as provided in Section 185.220 and Section 185.240 in evaluating the performance of a credit union, except as provided in Section 185.210(a)(2), (a)(3) and (a)(4). The investment test, as provided in Section 185.230, does not apply to credit unions unless the credit union elects to be evaluated pursuant to the investment test at the start of an examination.
 - 2) Community development test for wholesale or limited purpose credit unions. The Secretary applies the community development test for a wholesale or limited purpose credit union, as provided in Section 185.250, except as provided in Section 185.210(a)(4).
 - 3) Small credit union performance standards. The Secretary applies the small credit union performance standards as provided in Section 185.260 in evaluating the performance of a small credit union or a credit union that was a small credit union during the prior calendar year, unless the credit union elects to be assessed as provided in Section 185.210(a)(1), (a)(2), or (a)(4). A small credit union may elect to be assessed as provided in Section 185.210(a)(1) only if it collects and reports the data required for other credit unions under Section 185.410.
 - 4) Strategic plan. The Secretary evaluates the performance of a credit union under a strategic plan if the credit union submits, and the Secretary approves, a strategic plan as provided in Section 185.270.
- b) Performance context. The Secretary applies the tests and standards in Section 185.210(a) and also considers whether to approve a proposed strategic plan in the context of:
 - 1) demographic data on median income levels, distribution of household income, nature of housing stock, housing costs, and other relevant data pertaining to a credit union’s assessment area;
 - 2) any information about lending, investment, and service opportunities in the credit union’s assessment area maintained by the credit union or

- 472 obtained from community organizations, state, local, and tribal
473 governments, economic development agencies, or other sources;
474
475 3) the credit union's product offerings and business strategy as determined
476 from data provided by the credit union;
477
478 4) credit union capacity and constraints, including the size and financial
479 condition of the credit union, the economic climate (national, regional, and
480 local), safety and soundness limitations, and any other factors that
481 significantly affect the credit union's ability to provide lending,
482 investments, or services in its assessment area;
483
484 5) the credit union's past performance and the performance of similarly
485 situated credit unions;
486
487 6) the credit union's public file, as described in Section 185.420, and any
488 written comments about the credit union's ILCRA performance submitted
489 to the credit union or the Secretary;
490
491 7) the credit union's defined membership by-law provisions, as prescribed in
492 205 ILCS 305/15, and the lending and investment authority restrictions
493 under 205 ILCS 305/59; and
494
495 8) any other information deemed relevant by the Secretary.
496
497 c) Assigned ratings. The Secretary assigns to a credit union one of the following
498 four ratings pursuant to Section 185.280 and 185.APPENDIXA (Ratings):
499 "outstanding"; "satisfactory"; "needs to improve"; or "substantial noncompliance"
500 as provided in [205 ILCS 735/35-15(c)]. The rating assigned by the Secretary
501 reflects the credit union's record of helping to meet the credit needs of its entire
502 community, including low- and moderate-income neighborhoods, consistent with
503 the safe and sound operation of the credit union, and consistent with its common
504 bond.
505
506 d) Safe and sound operations. This Part and the ILCRA does not require a credit
507 union to make loans or investments or to provide services that are inconsistent
508 with safe and sound operations, its size and financial condition, or inconsistent
509 with its common bond. Credit unions are permitted and encouraged to develop
510 and apply flexible underwriting standards for loans that benefit low- and
511 moderate-income geographies or individuals and work with delinquent customers
512 to facilitate a resolution of the delinquency, only if consistent with safe and sound
513 operations and consistent with its common bond.
514

- 515 e) Low-cost Education Loans Provided to Low-Income Borrowers. In assessing and
 516 taking into account the record of a credit union under this Part, the Secretary shall
 517 consider, when applicable, low-cost education loans originated by the credit union
 518 to borrowers, particularly in its assessment area, who have an individual income
 519 that is less than 50 percent of the area median income. For purposes of this
 520 paragraph, “low-cost education loans” means any education loan, as defined in
 521 section 140(a)(7) of the Truth in Lending Act (15 U.S.C. 1650(a)(7)) (including a
 522 loan under a state or local education loan program), originated by the credit union
 523 for a student at an “institution of higher education”, as that term is generally
 524 defined in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C.
 525 1001 and 1002) and the implementing regulations published by the U.S.
 526 Department of Education, with interest rates and fees no greater than those of
 527 comparable education loans offered directly by the U.S. Department of Education.
 528 Such rates and fees are specified in section 455 of the Higher Education Act of
 529 1965 (20 U.S.C. 1087e). This subsection only applies to credit unions that offer
 530 education loans.
 531
- 532 f) Activities in Cooperation with Community Development Financial Institutions,
 533 Minority- or Women-Owned Financial Institutions and Low-Income Credit
 534 Unions. In assessing performance to this Part, the Secretary shall consider:
 535 capital investment, loan participation, and other ventures undertaken by the credit
 536 union in cooperation with Community Development Financial Institutions as
 537 defined in regulations issued by the U.S. Department of the Treasury, with
 538 minority- and women-owned financial institutions as defined in 12 U.S.C.
 539 2907(b) and credit unions designated as low-income or minority depository
 540 institutions by the National Credit Union Administration. Such activities must
 541 help meet the credit needs of local communities in which Community
 542 Development Financial Institution, the minority- and women-owned financial
 543 institutions or low income or minority credit unions are chartered. To be
 544 considered, such activities need not also benefit the credit union’s assessment
 545 area. This subsection does not apply to credit unions designated as low-income or
 546 minority credit unions.
 547
- 548 g) Community Development Financial Institutions, Minority Depository Institutions
 549 and Low-Income Designated Credit Unions. In assessing performance pursuant to
 550 this Part, the Secretary shall consider whether a credit union is certified or
 551 designated as a Community Development Financial Institution, Minority
 552 Depository Institution and/or Low-Income Designated Credit Union. The
 553 Department may require documentation to confirm the credit union still meets the
 554 criteria for the certification or designation.
 555
- 556 h) Disparity Study. The Secretary may retain qualified persons to design and conduct
 557 a study, and prepare and report findings and conclusions to the Secretary (1) to

558 identify and describe geographies in Illinois exhibiting significant disparities
 559 based on race or other protected characteristics in access to relevant financial
 560 products or services, and (2) to develop methods and procedures to identify
 561 policies, procedures, patterns, or practices that have disparate impact or
 562 discriminatory effects. Following the publication of this study, the Secretary may
 563 incorporate the findings, conclusions and other results from the study into the
 564 examination process.

565
 566 **Section 185.220 Lending Test**

567
 568 a) Scope of test.

- 569
 570 1) The lending test evaluates a credit union’s record of helping to meet the
 571 credit needs of its assessment area through its lending activities by
 572 considering a credit union's home mortgage, small business and
 573 community development lending. If consumer lending constitutes a
 574 substantial majority of a credit union’s business, the Secretary will
 575 evaluate the credit union’s consumer lending in one or more of the
 576 following categories: motor vehicle, credit card, home equity, other
 577 secured, and other unsecured loans. At a credit union’s option, the
 578 Secretary will also evaluate one or more categories of consumer lending, if
 579 the credit union has collected and maintained the data for each category
 580 that the credit union elects to have the Secretary evaluate as required in
 581 Section 185.410(c)(1).
 582
 583 2) The Secretary considers originations and initial purchases of loans. The
 584 Secretary will also consider any other loan data the credit union may
 585 choose to provide, including data on loans outstanding, commitments and
 586 letters of credit.
 587
 588 3) A credit union may ask the Secretary to consider loans originated or
 589 purchased by consortia in which the credit union participates or by third
 590 parties in which the credit union has invested only if the loans meet the
 591 definition of community development loans and only in accordance with
 592 Section 185.220(d). The Secretary will not consider these loans under any
 593 criterion of the lending test except the community development lending
 594 criterion.

595
 596 b) Performance Criteria. The Secretary evaluates a credit union’s lending
 597 performance considering all of the applicable assessment factors in Section
 598 185.200 and pursuant to the following criteria:
 599

- 600 1) Geographic distribution. The geographic distribution of the credit union's
601 home mortgage small business, and consumer loans, if applicable, based
602 on the loan location, including:
603
604 A) the dispersion of lending in the credit union's assessment area(s);
605
606 B) the number and amount of loans in low-, moderate-, middle-, and
607 upper-income geographies in the credit union's assessment area;
608 and
609
610 C) The number and amount of loans in areas, if any, identified as
611 exhibiting significant disparities by race or other protected
612 characteristics in access to loans by a Disparity Study incorporated
613 into the examination process under Section 185.210(h).
614
- 615 2) Borrower characteristics. The distribution, of the credit union's home
616 mortgage, small business loans, if applicable, and consumer loans, if
617 applicable, based on borrower characteristics, including the number and
618 amount of:
619
620 A) home mortgage loans to low-, moderate-, middle-, and upper-
621 income individuals, including loans to assist existing low- and
622 moderate-income residents to be able to remain in affordable
623 housing in their neighborhoods;
624
625 B) small business loans to businesses with gross annual revenues of
626 \$1 million or less;
627
628 C) small business loans by loan amount at origination; and
629
630 D) consumer loans, to low-, moderate-, middle-, and upper- income
631 individuals; and
632
633 E) Home mortgage, small business, small farm, and consumer loans,
634 if applicable, to members of identified racial or other groups in
635 areas, if any, identified as exhibiting significant disparities by race
636 or other protected characteristics in access to loans by a Disparity
637 Study incorporated into the examination process under Section
638 185.210(h).
639
- 640 3) Community development lending. The credit union's community
641 development lending, including the number and amount of community
642 development loans, and their complexity and innovativeness, as well as

643 the credit union's community development lending performance in areas,
 644 if any, identified as exhibiting significant disparities by race or other
 645 protected characteristics in access to community development loans by a
 646 Disparity Study incorporated into the examination process under Section
 647 185.210(h); and
 648

- 649 4) Innovative or flexible lending practices. The credit union's use of
 650 innovative or flexible lending practices in a safe and sound manner to
 651 address the credit needs of low- and moderate-income individuals or
 652 geographies. In assessing performance pursuant to this Part, the Secretary
 653 shall consider whether a credit union offers Special Credit Programs that
 654 are in conformity with and explicitly authorized by the Equal Credit
 655 Opportunity Act, 15 U.S.C. § 1691(c), Regulation B, 12 C.F.R. § 1002.8,
 656 and the Illinois Human Rights Act 775 ILCS 5/4-104(C). The credit union
 657 must be able show that the program will fall under any of the following:
 658 (1) any credit assistance program expressly authorized by federal or state
 659 law for the benefit of an economically disadvantaged class of persons; (2)
 660 any credit assistance program offered by credit union for the benefit of its
 661 members or an economically disadvantaged class of persons; or (3) any
 662 special credit program offered by a credit union, or in which such an
 663 organization participates to meet special social needs, if it meets certain
 664 standards prescribed in 12 C.F.R. § 1002.8(a)(3)(i)
 665

666 c) Affiliate lending.

- 667
- 668 1) At a credit union's option, the Secretary will consider loans by an affiliate
 669 of the credit union, if the credit union provides data on the affiliate's loans
 670 pursuant to Section 185.410.
 671
- 672 2) The Secretary considers affiliate lending subject to the following
 673 constraints:
 674
- 675 A) no affiliate may claim a loan origination or loan purchase if
 676 another institution claims the same loan origination or purchase
 677 and in this regard the credit union shall monitor and keep records
 678 of whether such claims exist; and
 679
- 680 B) if a credit union elects to have the Secretary consider loans within
 681 a particular lending category made by one or more of the credit
 682 union's affiliates in a particular assessment area, the credit union
 683 shall elect to have the Secretary consider, in accordance with
 684 Section 185.220(c)(1), all the loans within that lending category in

685 that particular assessment area made by all of the credit union's
686 affiliates.

- 687
- 688 3) The Secretary does not consider affiliate lending in assessing a credit
689 union's performance under Section 185.220(b)(2)(A).
- 690
- 691 d) Lending by a consortium or a third party. Community development loans
692 originated or purchased by a consortium in which the credit union participates or
693 by a third party in which the credit union has invested:
- 694
- 695 1) will be considered, at the credit union's option, if the credit union reports
696 the data pertaining to these loans under Section 185.410; and
- 697
- 698 2) may be allocated among participants or investors, as they choose, for
699 purposes of the lending test, except that no participant or investor:
- 700
- 701 A) may claim a loan origination or loan purchase if another participant
702 or investor claims the same loan origination or purchase and in this
703 regard the credit union shall monitor and keep records of whether
704 such claims exist; or
- 705
- 706 B) may claim loans accounting for more than its percentage share
707 (based on the level of its participation or investment) of the total
708 loans originated by the consortium or third party.
- 709
- 710 e) Lending performance rating. The Secretary rates a credit union's lending
711 performance as provided in 185.APPENDIX A (Ratings).
- 712

713 **Section 185.230 Investment Test**

- 714
- 715 a) Scope of test. The investment test evaluates a credit union's record of helping to
716 meet the credit needs of its assessment area through qualified investments that
717 benefit its assessment area or a broader statewide or regional area that includes
718 the credit union's assessment area.
- 719
- 720 b) Exclusion. Activities considered under the lending or service tests shall not be
721 considered under the investment test.
- 722
- 723 c) Affiliate investment. At a credit union's option, the Secretary will consider, in its
724 assessment of a credit union's investment performance, a qualified investment
725 made by an affiliate of the credit union, if the qualified investment is not claimed
726 by any other institution.
- 727

728 d) Disposition of branch premises. Donating, selling on favorable terms, or making
 729 available on a rent-free basis a branch of the credit union that is located in a
 730 predominantly minority neighborhood to a minority depository institution or
 731 women's depository institution (as these terms are defined in 12 U.S.C. 2907(b))
 732 or to credit unions designated by the National Credit Union Administration as
 733 low-income or minority depository institutions will be considered as a qualified
 734 investment.

735 e) Performance criteria. The Secretary evaluates the investment performance of a
 736 credit union considering all of the applicable assessment factors in Section
 737 185.200 and pursuant to the following criteria:
 738

- 739 1) the dollar amount of qualified investments;
- 740 2) the innovativeness or complexity of qualified investments;
- 741 3) the responsiveness of qualified investments to credit and community
 742 development needs
- 743 4) the degree to which the qualified investments assist existing low- and
 744 moderate-income residents to be able to remain in affordable housing in
 745 their neighborhoods; and
- 746 5) the degree to which the qualified investments are not routinely provided
 747 by private investors.
- 748 6) The credit union's performance on the above criteria in areas, if any,
 749 identified as exhibiting significant disparities by race or other protected
 750 characteristics in access to qualified investments by a Disparity Study
 751 incorporated into the examination process under Section 185.210(h).
 752

753 f) Investment performance rating. The Secretary rates a credit union's investment
 754 performance as provided in 185.APPENDIX A (Ratings).
 755

756 **Section 185.240 Service Test**

757 a) Scope of test. The service test evaluates a credit union's record of helping to meet
 758 the credit needs of its assessment area by analyzing both the availability and
 759 effectiveness of a credit union's systems for delivering retail banking services and
 760 the extent and innovativeness of its community development services. Credit
 761 unions that provide all or a majority of their services via mobile and other digital
 762 channels must fulfill their obligation to meet the financial service needs of their
 763

- 770 assessment areas, including low-income to moderate-income neighborhoods,
 771 consistent with their common bond.
 772
- 773 b) Area(s) benefited. Community development services must benefit a credit
 774 union's assessment area or a broader Statewide or regional area that includes the
 775 credit union's assessment area.
 776
- 777 c) Affiliate service. At a credit union's option, the Secretary will consider, in his or
 778 her assessment of a credit union's service performance, a community
 779 development service provided by an affiliate of the credit union, if the community
 780 development service is not claimed by any other institution and in this regard the
 781 bank shall monitor and keep records of whether such claims exist.
 782
- 783 d) Performance criteria -- Retail Banking Services. The Secretary evaluates the
 784 availability and effectiveness of a credit union's systems for delivering retail
 785 banking services, considering all of the applicable assessment factors in Section
 786 185.200 and pursuant to the following criteria:
 787
- 788 1) the current distribution of the credit union's branches among low-,
 789 moderate-, middle-, and upper-income geographies, if applicable;
 790
 - 791 2) in the context of its current distribution of the credit union's branches, the
 792 credit union's record of opening and closing branches, particularly
 793 branches located in low- and moderate-income geographies or primarily
 794 serving low- and moderate- income individuals;
 795
 - 796 3) the availability and effectiveness of alternative systems for delivering
 797 retail banking services (e.g., ATMs, ATMs not owned or operated by or
 798 exclusively for the credit union, banking by telephone or computer, loan
 799 production offices, and bank-at-work or bank-by-mail programs) in low-
 800 and moderate-income geographies and to low- and moderate-income
 801 individuals; and
 802
 - 803 4) the range of services provided in low-, moderate-, middle-, and upper-
 804 income geographies, if applicable, and the degree to which the services are
 805 tailored to meet the needs of those geographies; and
 806
 - 807 5) The credit union's record of effectively marketing its retail banking
 808 services and products to unbanked or underbanked persons and offering
 809 retail banking services and products targeted to meet the needs of
 810 unbanked and underbanked persons. In determining whether a credit union
 811 offers retail banking services and products targeted to meet the needs of
 812 unbanked and underbanked persons, the Department shall consider:

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- A) whether the credit union is BankOn certified or offers accounts substantially and materially similar to BankOn certified accounts; or
 - B) whether the credit union offers financial services and products to users of alternative financial products or services, provided that, that the credit union has affirmatively and reasonably demonstrated that:
 - i) the credit union offers such accounts or such financial services and products in conjunction with focused and sustained marketing efforts reasonably designed to reach unbanked and underbanked persons;
 - ii) unbanked and underbanked persons may reasonably conveniently obtain or use such accounts or such financial services and products; and
 - iii) the credit union offers such accounts or such financial services and products at a cost to the unbanked and underbanked persons that is significantly lower than would otherwise be incurred by the users of alternative financial products or services.
 - 6) The credit union's performance on the above criteria in areas, if any, identified as exhibiting significant disparities by race or other protected characteristics in access to retail banking services by a Disparity Study incorporated into the examination process under Section 185.210(h).
 - e) Performance criteria -- Community Development Services. The Secretary evaluates community development services considering all of the applicable assessment factors in Section 185.200 and pursuant to the following criteria:
 - 1) the extent to which the credit union provides community development services; and
 - 2) the innovativeness and responsiveness of community development services.
 - 3) The credit union's performance on the above criteria in areas, if any, identified as exhibiting significant disparities by race or other protected characteristics, if any, in access to community development services by a

856 Disparity Study incorporated into the examination process under Section
857 185.210(h).

858
859 f) Service performance rating. The Secretary rates a credit union's service
860 performance as provided in 185.APPENDIX A (Ratings).

861
862 **Section 185.250 Community Development Test for Wholesale or Limited Purpose Credit**
863 **Unions**

864
865 a) Scope of test. The Secretary assesses a wholesale or limited purpose credit
866 union's record of helping to meet the credit needs of its assessment area under the
867 community development test through its community development lending,
868 qualified investments, or community development services.

869
870 b) Designation as a wholesale or limited purpose credit union. In order to receive a
871 designation as a wholesale or limited purpose credit union, a credit union shall file
872 a request, in writing, with the Secretary, at least six months prior to the proposed
873 effective date of the designation. If the Secretary approves the designation, it
874 remains in effect until the credit union requests revocation of the designation or
875 until one year after the Secretary notifies the credit union that the Secretary has
876 revoked the designation on his/her own initiative.

877
878 c) Performance criteria. The Secretary evaluates the community development
879 performance of a wholesale or limited purpose credit union considering all of the
880 applicable assessment factors in Section 185.200 and pursuant to the following
881 criteria:

882
883 1) the number and amount of community development loans (including
884 originations and initial purchases of loans and other community
885 development loan data provided by the credit union, such as data on loans
886 outstanding, commitments, and letters of credit), qualified investments, or
887 community development services;

888
889 2) the use of innovative or complex qualified investments, community
890 development loans, or community development services and the extent to
891 which the investments are not routinely provided by private investors; and

892
893 3) the credit union's responsiveness to credit and community development
894 needs.

895
896 d) Indirect activities. At a credit union's option, the Secretary will consider in its
897 community development performance assessment:

898

- 899 1) qualified investments or community development services provided by an
900 affiliate of the credit union, if the investments or services are not claimed
901 by any other institution; and
902
- 903 2) community development lending by affiliates, consortia and third parties,
904 subject to the requirements and limitations in Sections 185.220(c) and (d).
905
- 906 e) Benefit to assessment area.
907
- 908 1) Benefit inside assessment area. The Secretary considers all qualified
909 investments, community development loans, and community development
910 services that benefit areas within the credit union's assessment area or a
911 broader statewide or regional area that includes the credit union's
912 assessment area.
913
- 914 2) Benefit outside assessment area. The Secretary considers the qualified
915 investments, community development loans, and community development
916 services that benefit areas outside the credit union's assessment area, if the
917 credit union has adequately addressed the needs of its assessment area.
918
- 919 f) Community development performance rating. The Secretary rates a credit
920 union's community development performance as provided in 185.APPENDIX A
921 (Ratings).
922

923 **Section 185.260 Small Credit Union Performance Standards**
924

- 925 a) Performance criteria.
926
- 927 1) The Secretary evaluates the record of a small credit union that is not an
928 intermediate small credit union of helping to meet the credit needs of its
929 assessment area pursuant to all of the applicable assessment factors in
930 Section 185.200 and subsection (b).
931
- 932 2) The Secretary evaluates the record an intermediate small credit union, of
933 helping to meet the credit needs of its assessment area pursuant to all of
934 the applicable assessment factors in Section 185.200, subsections (b) and
935 (c).
936
- 937 b) Lending test. A small credit union's lending performance is evaluated pursuant to
938 the following criteria:
939
- 940 1) the credit union's loan-to-share ratio, adjusted for seasonal variation and,
941 as appropriate, other lending-related activities, such as loan originations

- 942 for sale to the secondary markets, community development loans, or
943 qualified investments;
944
945 2) the credit union's record of lending to and, as appropriate, engaging in
946 other lending-related activities for borrowers of different income levels
947 and businesses of different sizes;
948
949 3) the geographic distribution of the credit union's loans in the context of its
950 relevant field of membership;
951
952 4) the credit union's record of taking action, if warranted, in response to
953 written complaints about its performance in helping to meet credit needs
954 in its assessment area and its performance with regard to fair lending
955 policies and practices; and
956
957 5) the origination of loans to businesses with gross annual revenues of
958 \$1,000,000 or less, particularly those in low-income and moderate-income
959 neighborhoods. Subsection (5) applies only to credit unions that make
960 business loans.
961
962 c) Community Development Test. An intermediate small credit union's community
963 development performance is also evaluated pursuant to the following criteria:
964
965 1) the number and amount of community development loans;
966
967 2) the extent to which the credit union provides community development
968 services;
969
970 3) the credit union's responsiveness through such activities to community
971 development lending, investment, and service needs; and
972
973 4) at the election of the credit union, the number and amount of qualified
974 investments.
975
976 d) Small credit union performance rating. The Secretary considers all of the
977 applicable assessment factors in Section 185.200 and rates the performance of a
978 credit union evaluated under Section 185.260 as provided in 185.APPENDIX A
979 (Ratings).

980
981 **Section 185.270 Strategic Plan**
982

- 983 a) Alternative election. The Secretary will assess a credit union's record of helping
984 to meet the credit needs of its assessment area considering all of the applicable
985 assessment factors in Section 185.200 under a strategic plan if:
986
- 987 1) the credit union has submitted the plan to the Secretary as provided for in
988 Section 185.270;
 - 989
 - 990 2) the Secretary has approved the plan;
 - 991
 - 992 3) the plan is in effect; and
 - 993
 - 994 4) the credit union has been operating under an approved plan for at least one
995 year.
 - 996
- 997 b) Data reporting. The Secretary's approval of a plan does not affect the credit
998 union's obligation, if any, to report data as required by Section 185.41.
999
- 1000 c) Plans in general.
- 1001
 - 1002 1) Term. A plan may have a term of no more than five years, and any multi-
1003 year plan must include annual interim measurable goals under which the
1004 Secretary will evaluate the credit union's performance.
 - 1005
 - 1006 2) Treatment of affiliates. Affiliated credit unions may prepare a joint plan if
1007 the plan provides measurable goals for each credit union. Activities may
1008 be allocated among credit unions at the credit union's option, provided
1009 that the same activities are not considered for more than one credit union.
1010
- 1011 d) Public participation in plan development. Before submitting a plan to the
1012 Secretary for approval, a credit union shall:
- 1013
 - 1014 1) informally seek suggestions from members of the public in its assessment
1015 area covered by the plan while developing the plan;
 - 1016
 - 1017 2) once the credit union has developed a plan, formally solicit public
1018 comment on the plan for at least 30 days by publishing notice in at least
1019 one newspaper of general circulation in each assessment area covered by
1020 the plan and on the internet; and
 - 1021
 - 1022 3) during the period of formal public comment, make copies of the plan
1023 available for review by the public at no cost at all offices of the credit
1024 union in any assessment area covered by the plan and provide copies of

1025 the plan upon request for a reasonable fee to cover copying and mailing, if
1026 applicable.

1027
1028 e) Submission of plan. The credit union shall submit its plan to the Secretary at least
1029 six months prior to the proposed effective date of the plan. The credit union shall
1030 also submit with its plan a description of its informal efforts to seek suggestions
1031 from members of the public, any written public comment received, and, if the
1032 plan was revised in light of the comment received, the initial plan as released for
1033 public comment.

1034
1035 f) Plan content.

1036
1037 1) Measurable goals.

1038
1039 A) A credit union shall specify in its plan measurable goals for
1040 helping to meet the credit needs of each assessment area covered
1041 by the plan, particularly the needs of low- and moderate-income
1042 geographies and low- and moderate-income individuals, through
1043 lending, investment, and services, as appropriate and considering
1044 all of the applicable assessment factors in Section 185.200.

1045
1046 B) A credit union shall address in its plan all applicable performance
1047 categories and, unless the credit union has been designated as a
1048 wholesale or limited purpose credit union, shall emphasize lending
1049 and lending-related activities. Nevertheless, a different emphasis,
1050 including a focus on one or more performance categories, may be
1051 appropriate if responsive to the characteristics and credit needs of
1052 its assessment area, considering public comment and the credit
1053 union's capacity and constraints, product offerings, and business
1054 strategy.

1055
1056 2) Confidential information. A credit union may submit additional
1057 information to the Secretary on a confidential basis which shall not be
1058 deemed a public record as defined in [5 ILCS 140/2] or be subject to the
1059 public disclosure provisions of [5 ILCS 140/1], but the goals stated in the
1060 plan must be sufficiently specific to enable the public and the Secretary to
1061 judge the merits of the plan.

1062
1063 3) Satisfactory and outstanding goals. A credit union shall specify in its plan
1064 measurable goals that constitute "satisfactory" performance. A plan may
1065 specify measurable goals that constitute "outstanding" performance. If a
1066 credit union submits, and the Secretary approves, both "satisfactory" and

- 1067 "outstanding" performance goals, the Secretary will consider the credit
1068 union eligible for an "outstanding" performance rating.
1069
- 1070 4) Election if satisfactory goals not substantially met. A credit union may
1071 elect in its plan that, if the credit union fails to meet substantially its plan
1072 goals for a satisfactory rating, the Secretary will evaluate the credit union's
1073 performance under the lending, investment, and service tests, the
1074 community development test, or the small credit union performance
1075 standards, as appropriate.
1076
- 1077 g) Plan approval.
1078
- 1079 1) Timing. The Secretary will act upon a plan within 90 calendar days after
1080 the Secretary receives the complete plan and other material required under
1081 Section 185.270(e) and (f). If the Secretary fails to act within this time
1082 period, the plan shall be deemed approved unless the Secretary extends the
1083 review period in writing.
1084
- 1085 2) Public participation. In evaluating the plan's goals, the Secretary considers
1086 the public's involvement in formulating the plan, written public comment
1087 on the plan, and any response by the credit union to public comment on
1088 the plan.
1089
- 1090 3) Criteria for evaluating plan. The Secretary considers all of the applicable
1091 assessment factors in Section 185.200 and evaluates a plan's measurable
1092 goals using the following criteria, as appropriate and applicable:
1093
- 1094 A) the extent and breadth of lending or lending-related activities,
1095 including, as appropriate, the distribution of loans among different
1096 geographies, businesses and farms of different sizes, and
1097 individuals of different income levels, the extent of community
1098 development lending, and the use of innovative or flexible lending
1099 practices to address credit needs;
1100
- 1101 B) the amount and innovativeness, complexity, and responsiveness of
1102 the credit union's qualified investments; and
1103
- 1104 C) the availability and effectiveness of the credit union's systems for
1105 delivering retail banking services and the extent and
1106 innovativeness of the credit union's community development
1107 services.
1108

- 1109 h) Plan amendment. During the term of a plan, a credit union may request the
1110 Secretary to approve an amendment to the plan on grounds that there has been a
1111 material change in circumstances. The credit union shall develop an amendment
1112 to a previously approved plan in accordance with the public participation
1113 requirements of Section 185.270(d).
1114
- 1115 i) Plan assessment. The Secretary approves the goals and assesses performance
1116 under a plan as provided for in 185.APPENDIX A (Ratings).
1117

1118 **Section 185.280 Assigned Ratings**
1119

- 1120 a) Ratings in general. Subject to Section 185.280(b) and (c), the Secretary assigns to
1121 a credit union a rating of "outstanding", "satisfactory", "needs to improve", or
1122 "substantial noncompliance" based on the credit union's performance under the
1123 lending, investment and service tests, the community development test, the small
1124 credit union's performance standards, the intermediate small credit union's
1125 standards, or an approved strategic plan, as applicable.
1126
- 1127 b) Lending, investment, and service tests. The Secretary assigns a rating for a credit
1128 union assessed under the lending, investment, and service tests in accordance with
1129 the following principles:
1130
 - 1131 1) a credit union that receives an "outstanding" rating on the lending test
1132 receives an assigned rating of at least "satisfactory";
1133
 - 1134 2) a credit union that receives an "outstanding" rating on both the service test
1135 and the investment test and a rating of at least "satisfactory" on the lending
1136 test receives an assigned rating of "outstanding"; and
1137
 - 1138 3) no credit union may receive an assigned rating of "satisfactory" or higher
1139 unless it receives a rating of at least "satisfactory" on the lending test;
1140
- 1141 c) Effect of evidence of discriminatory or other illegal credit practices.
1142
 - 1143 1) The Secretary's evaluation of a credit union's ILCRA performance is
1144 adversely affected by evidence of discriminatory or other illegal credit
1145 practices in any geography by the credit union or in any assessment area
1146 by any affiliate whose loans have been considered as part of the credit
1147 union's lending performance. In connection with any type of lending
1148 activity described in Section 185.220(a), evidence of discriminatory or
1149 other credit practices that violate an applicable law, rule, or regulation
1150 includes, but is not limited to:
1151

- 1152 A) Discrimination against applicants on a prohibited basis in
1153 violation, for example, of the Equal Credit Opportunity Act or the
1154 Fair Housing Act, including, for example, relying on or giving
1155 force or effect to discriminatory appraisals to deny loan
1156 applications where the covered financial institution knew or should
1157 have known of the discrimination;
1158
- 1159 B) Violations of the Home Ownership and Equity Protection Act;
1160
- 1161 C) Violations of section 5 of the Federal Trade Commission Act;
1162
- 1163 D) Violations of section 8 of the Real Estate Settlement Procedures
1164 Act;
1165
- 1166 E) Violations of the Truth in Lending Act provisions regarding a
1167 consumer's right of rescission
1168
- 1169 F) Violations of the Article 4 [Financial Credit] of Illinois Human
1170 Rights Act [775 ILCS 5/Art. 4];
1171
- 1172 G) Violations of the Illinois High Risk Home Loan Act [815 ILCS
1173 137]; and
1174
- 1175 H) Violations of the Illinois Fairness in Lending Act [815 ILCS 120].
1176
- 1177 2) In determining the effect of evidence of practices described in subsection
1178 (c)(1) on the credit union's assigned rating, the Secretary considers the
1179 nature, extent, and strength of the evidence of the practices; the policies
1180 and procedures that the credit union (or affiliate, as applicable) has in
1181 place to prevent the practices; any corrective action that the credit union
1182 (or affiliate, as applicable) has taken or has committed to take, including
1183 voluntary corrective action resulting from self-assessment; and any other
1184 relevant information.
1185

1186 **Section 185.290 Effect of ILCRA Performance on Applications**
1187

- 1188 a) ILCRA Performance. Among other factors, the Secretary shall take into account
1189 the record of performance under the ILCRA of each credit union and its parent
1190 company, including all subsidiaries thereof, relative to this Act submitting
1191 applications for the establishment of a branch, office, or other facility, the
1192 relocation of a main office, branch, office, or other facility, a license renewal,
1193 change in control of a covered financial institution, or a merger or consolidation
1194 with or the acquisition of assets or assumption of liabilities of any covered

1195 financial institution, out-of-state bank, credit union, or residential mortgage
1196 licensee, national bank or credit union, or foreign financial institution. In
1197 evaluating any other application which requires the Secretary's approval, the
1198 Secretary may take into account the record of performance under the ILCRA of
1199 each credit union and its parent company, including all subsidiaries thereof.
1200 Nothing in this Section requires a submission of an application which is not
1201 otherwise required under applicable law.

1202
1203 b) Interested parties. The Secretary takes into account any views submitted by
1204 interested parties in accordance with the public notice posted pursuant to Section
1205 35-20 of ILCRA.

1206
1207 c) Denial. A credit union's record of ILCRA performance may be the basis for
1208 denying any application required to be submitted to the Secretary.

1209
1210 **SUBPART C: RECORDS, REPORTING, AND DISCLOSURE REQUIREMENTS;**
1211 **EXAMINATIONS; ENFORCEMENT**

1212
1213 **Section 185.400 Assessment Area Delineation**

1214
1215 a) The Secretary does not evaluate the institution's delineation of its assessment area
1216 as a separate performance criterion, but the Secretary reviews the delineation for
1217 compliance with the requirements of this Section.

1218
1219 b) A credit union shall delineate its field of membership, including persons eligible
1220 for membership, as its assessment area. A credit union may choose to include or
1221 exclude any community based common bonds located outside of the State of
1222 Illinois. A credit union may choose to include or exclude any members or persons
1223 eligible for membership pursuant to its occupational or associational common
1224 bonds located outside of the State of Illinois.

1225
1226 c) Notwithstanding subsection (a), the Secretary may approve a credit union to
1227 designate only its current members as its assessment area, or an assessment area
1228 that does not otherwise comply with the requirements set forth in subsection (a) if
1229 the credit union demonstrates that satisfying the requirements of subsection (a)
1230 would be impractical and unreasonable in its specific case. Any designation
1231 pursuant to this subsection shall not reflect illegal discrimination and may not
1232 arbitrarily exclude low-and moderate-income geographies. In evaluating whether
1233 compliance with subsection (a) would be impractical and unreasonable for a
1234 credit union in its specific case, the Secretary shall consider:

1235
1236 1) The size of the credit union;
1237

- 1238 2) The financial health of the credit union; and
1239
1240 3) Any other relevant consideration presented by the credit union.
1241
1242 d) A credit union shall modify its assessment area whenever there is a modification
1243 to its field of membership pursuant to subsection (b) unless it receives approval
1244 from the Secretary to use a different assessment area pursuant to subsection (c).
1245

1246 **Section 185.410 Data Collection, Reporting, and Disclosure**
1247

- 1248 a) Credit unions shall comply with all data collection, reporting and disclosure
1249 requirements as required by applicable law; and
1250
1251 b) A credit union, except a credit union that meets the definition of a small credit
1252 union, which is subject to HMDA reporting requirements, shall report to the
1253 Department the location of each home mortgage loan application, origination, or
1254 purchase outside the credit union's assessment area in accordance with the
1255 requirements of 12 CFR 1003.
1256
1257 c) Optional data collection and maintenance.
1258
1259 1) Consumer Loans. A credit union may collect and maintain in machine
1260 readable form (as prescribed by the Secretary) data for consumer loans
1261 originated or purchased by the credit union for consideration under the
1262 lending test. A credit union may maintain data for one or more of the
1263 following categories of consumer loans: motor vehicle, credit card, home
1264 equity, other secured, and other unsecured. If the credit union maintains
1265 data for loans in a certain category, it shall maintain data for all loans
1266 originated or purchased within that category. The credit union shall
1267 maintain data separately for each category, including for each loan:
1268
1269 A) A unique number or alpha-numeric symbol that can be used to
1270 identify the relevant loan file;
1271
1272 B) The loan amount at origination or purchase;
1273
1274 C) The loan location; and
1275
1276 D) The gross annual income of the borrower that the credit union
1277 considered in making its credit decision.
1278
1279 2) Other loan data. At its option, a credit union may provide other
1280 information concerning its lending performance, including additional loan

1281 distribution data or any other data required or permitted to be reported by
 1282 banks under Federal or state banking regulations.

1283
 1284 d) Data on affiliate lending. A credit union that elects to have the Secretary consider
 1285 loans by an affiliate, for purposes of the lending or community development test
 1286 or an approved strategic plan, shall collect, maintain, and report for those loans
 1287 the data that the credit union would have collected, maintained, and reported had
 1288 the loans been originated or purchased by the credit union. For home mortgage
 1289 loans, the credit union shall also be prepared to identify the home mortgage loans
 1290 reported under 12 CFR Part 1003 (Home Data Disclosure) by the affiliate.

1291
 1292 e) Data on lending by a consortium or a third party. A credit union that elects to
 1293 have the Secretary consider community development loans by a consortium or
 1294 third party, for purposes of the lending or community development tests or an
 1295 approved strategic plan, shall report for those loans the data that the credit union
 1296 would have reported had the loans been originated or purchased by the credit
 1297 union.

1298
 1299 **Section 185.420 Content and Availability of Public File**

- 1300
 1301 a) Information available to the public. A credit union shall maintain a public file
 1302 that includes the following information:
 1303
 1304 1) all written comments received from the public for the current year and
 1305 each of the prior two calendar years that specifically relate to the credit
 1306 union’s performance in helping to meet community credit needs, and any
 1307 response to the comments by the credit union, if neither the comments nor
 1308 the responses contain statements that reflect adversely on the good name
 1309 or reputation of any persons other than the credit union or publication of
 1310 which would violate specific provisions of law;
 1311
 1312 2) a copy of the public section of the credit union’s most recent ILCRA
 1313 Performance Evaluation prepared by the Secretary. The credit union shall
 1314 place this copy in the public file within 30 business days after its receipt
 1315 from the Secretary. A copy of the public section includes:
 1316
 1317 A) The assessment factors utilized to determine the credit union’s
 1318 descriptive rating;
 1319
 1320 B) The Secretary’s conclusion with respect to each such assessment
 1321 factor;
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 1323 C) A discussion of the facts supporting such conclusions;

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- D) The credit union’s descriptive rating and the basis therefor;
 - E) The assigned overall rating;
 - F) Any other information the Secretary finds that the ends of justice and the public advantage will be served by the disclosure; and
 - G) A summary of public comments.
- 3) a list of the credit union’s branches, their street addresses, and geographies;
 - 4) a list of branches opened or closed by the credit union during the current year and each of the prior two calendar years, their street addresses, and geographies;
 - 5) a list of services (including hours of operation, available loan and deposit products, and transaction fees) generally offered at the credit union’s branches and descriptions of material differences in the availability or cost of services at particular branches, if any. At its option, a credit union may include information regarding the availability of alternative systems for delivering retail banking services (*e.g.*, ATMs, ATMs not owned or operated by or exclusively for the credit union, banking by telephone or computer, loan production offices, and bank-at-work or bank-by-mail programs);
 - 6) a map of each assessment area showing the boundaries of the area and identifying the geographies contained within the area, either on the map or in a separate list, provided however, a map of the assessment area does not need to be maintained if the credit union’s membership by-law provisions do not correspond to a defined geographic area. If a map of the assessment area does not need to be maintained the credit union must provide other documentation reflecting its assessment area;
 - 7) the field of membership as defined in the credit union’s Article of Incorporation and Article III of the bylaws; and
 - 8) any other information the credit union chooses.
- b) Additional information available to the public.

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- 1) Credit Unions other than small credit unions. A credit union, except a small credit union or a credit union that was a small credit union during the prior calendar year, shall include in its public file the following information pertaining to the credit union and its affiliates, if applicable, for each of the prior two calendar years. If the credit union has elected to have one or more categories of its consumer loans considered under the lending test, for each of these categories, the number and amount of loans:
 - A) to low-, moderate-, middle-, and upper-income individuals;
 - B) located in low-, moderate-, middle-, and upper-income census tracts; and
 - C) located inside the credit union's assessment area and outside the credit union's assessment area.
 - 2) Credit Union required to report Home Mortgage Disclosure Act (HMDA) data. A credit union required to report home mortgage loan data pursuant 12 CFR Part 1003 (Home Disclosure Data) shall include in its public file a written notice that the institution's HMDA Disclosure Statement may be obtained on the Consumer Financial Protection Bureau's (Bureau's) Website at www.consumerfinance.gov/hmda. In addition, a credit union that elected to have the Secretary consider the mortgage lending of an affiliate for any of these years shall include in its public file the affiliate's HMDA Disclosure Statement for those years. The credit union shall place the statement(s) in the public file within three business days after its receipt.
 - 3) Small credit unions. A small credit union or a credit union that was a small credit union during the prior calendar year shall include in its public file the credit union's loan-to-share ratio by asset class for each quarter of the prior calendar year and, at its option, additional data on its loan-to-share ratio.
 - 4) Credit unions with strategic plans. A credit union that has been approved to be assessed under a strategic plan shall include in its public file a copy of that plan. A credit union need not include information submitted to the Secretary on a confidential basis in conjunction with the plan.
 - 5) Credit unions with less than satisfactory ratings. A credit union that received a less than satisfactory rating during its most recent examination shall include in its public file a description of its current efforts to improve

- 1408 its performance in helping to meet the credit needs of its entire
1409 community. The credit union shall update the description quarterly.
1410
- 1411 c) Location of public information. A credit union shall make available to the public
1412 for inspection upon request and at no cost the information required in this Section
1413 as follows:
1414
- 1415 1) at the main office and, if an interstate credit union, at one branch office in
1416 each state, all information in the public file; and
1417
- 1418 2) at each branch, if any:
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- 1420 A) a copy of the public section of the credit union's most recent
1421 ILCRA Performance Evaluation and a list of services provided by
1422 the branch; and
1423
- 1424 B) within five calendar days of the request, all the information in the
1425 public file relating to the assessment area in which the branch is
1426 located.
1427
- 1428 d) Copies. Upon request, a credit union shall provide copies, on paper,
1429 electronically, or in another form acceptable to the person making the request, of
1430 the information in its public file. The credit union may charge a reasonable fee not
1431 to exceed the cost of copying and mailing, if applicable. A credit union shall not
1432 charge a fee if the information is only provided electronically.
1433
- 1434 e) Updating. Except as otherwise provided in Section 185.420, a credit union shall
1435 ensure that the information required by Section 185.420 is current as of April 1 of
1436 each year.
1437
- 1438 f) Notwithstanding the foregoing, this Section does not prohibit a credit union from
1439 establishing and implementing standards and procedures that a person must
1440 follow to obtain the public file. Such standards and procedures shall provide
1441 reasonable access to the public file. In determining whether such standards and
1442 procedures are reasonable, the Secretary shall consider:
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- 1444 1) The credit union's size and financial condition;
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- 1446 2) The location of the credit union and its hours of operation;
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- 1448 3) Whether the public file is available electronically; and
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- 1450 4) Any other unique circumstances presented by the credit union.

- 1451
 1452 g) A credit union may request a written finding from the Secretary that its standards
 1453 and procedures provide reasonable public access to the file from the Secretary.
 1454 Any credit union which relies on such a finding shall not be subject to an
 1455 enforcement action by the Department for a violation of this Section. Unless
 1456 extended by the Secretary in writing, any such finding shall expire at the end of
 1457 the credit union’s next examination.
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1459 **Section 185.430 Public Notice by Credit Union**

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 1461 A credit union shall provide in the public lobby of its main office and each of its branches, if
 1462 any, and on its website, the appropriate public notice set forth in 185.APPENDIX B. Only a
 1463 branch of a credit union having more than one assessment area shall include the bracketed
 1464 material in the notice for branch offices. Only a credit union that is an affiliate of a holding
 1465 company shall include the second to the last sentence of the notices. A credit union shall include
 1466 the last sentence of the notices only if it is an affiliate of a holding company that is not prevented
 1467 by statute from acquiring additional credit unions.
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1469 **Section 185.440 Publication of Planned Examination Schedule**

1470
 1471 The Secretary publishes at least 30 days in advance of the beginning of each calendar quarter a
 1472 list of credit unions scheduled for ILCRA examinations in that quarter.
 1473

1474 **Section 185.450 Alternative Examination Procedures for Credit Unions with Assets Less**
 1475 **than \$10,000,000**

- 1476
 1477 a) At the time of examination, any credit union with less than \$10,000,000 as shown
 1478 by its Year-end Call Report may elect to use the Alternative Examination
 1479 Procedures as set forth in 185.APPENDIX D.
 1480
 1481 b) For any credit union which elects to use the Alternative Examination Procedures,
 1482 the Secretary shall apply the assessment factors, as provided in Section 185.200.
 1483 The written evaluation shall comply with all requirements for a written evaluation
 1484 set forth in Section 15(b) of the ILCRA.
 1485
 1486 c) A credit union who elects to use the Alternative Examination Procedures shall be
 1487 charged a fee of \$2,200. The Secretary, in their sole discretion, may waive this fee
 1488 for a credit union with total assets of \$1,000,000 or less.
 1489
 1490 d) Any credit union which receives an overall rating of “substantial noncompliance”
 1491 on its last examination shall not be eligible to use the Alternative Examination
 1492 Procedures on its next examination.
 1493

- 1494 e) Nothing contained in this Section, prohibits the Secretary from considering other
1495 sources of information including, but not limited to, evidence of discriminatory or
1496 other illegal credit practices, or public comments in assessing whether a credit
1497 union is meeting the financial services needs of local communities pursuant to
1498 Section 185.200.
- 1499
- 1500 f) The Alternative Examination Procedures shall in no way limit public
1501 participation.
- 1502
- 1503 g) A credit union electing to use the Alternative Examination Procedures does not
1504 affect the credit union's obligation, if any to report data as required by Section
1505 185.410.
- 1506
- 1507 h) A credit union electing to use the Alternative Examination Procedures does not
1508 affect the credit union's obligation to maintain a public file as required by Section
1509 185.420.
- 1510
- 1511 i) A credit union that elects to use the Alternative Examination Procedures shall
1512 have at least three months to complete the examination. The credit union shall
1513 have the opportunity to review its proposed examination response with an
1514 examiner prior to the due date.
- 1515

Section 185.460 Examination Authority and Cooperation

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- 1518 a) Pursuant to the Secretary's authority under the ILCRA, including, but not limited
1519 to, Sections 35-15 and 35-25 thereof, the Secretary and his or her appointees may
1520 examine the entire books, records, documents, and operations of each credit
1521 union, its parent company, and its subsidiaries, affiliates, or agents, and may
1522 examine any credit union, its parent company's or its subsidiaries', affiliates', or
1523 agents' officers, directors, employees, and agents under oath.
- 1524
- 1525 b) A credit union shall be required to fully cooperate in any examination conducted
1526 pursuant to this Part. Cooperation includes, but is not limited to:
- 1527
- 1528 1) timely and full production of books, records, and documents, in any
1529 reasonable format requested by the Department; and
- 1530
- 1531 2) ensuring all officers, directors, employees, and agents of the credit union
1532 are available for depositions or interviews upon reasonable notice.
- 1533
- 1534 c) Except as otherwise specified in ILCRA or this Part, examination related to this
1535 Part shall be conducted consistent with 205 ILCS 305/9/(3.5), 38 Ill. Adm. Code
1536 190.25, and accompanying guidelines.

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Section 185.470 Examination Schedule

- a) The Secretary may conduct a discretionary ILCRA examination of a credit union at any time.
- b) Initial CRA examinations of credit unions shall be conducted according to the following schedule:
 - 1) Initial ILCRA examinations of credit unions with total assets of \$1 billion or more, as shown by its Year-end Call Report, shall not be conducted until at least six months after the rules contained in this Part are filed with the Secretary of the State and shall be conducted within 3 years.
 - 2) Initial ILCRA examinations of credit unions with total assets of \$250,000,000 to less than \$1 billion, as shown by its Year-end Call Report, shall not be conducted until at least six months after the rules contained in this Part are filed with the Secretary of State and shall be conducted within 4 years.
 - 3) Initial ILCRA examinations of credit unions with total assets of \$10,000,000 but less than \$250,000,000, as shown by its Year-end Call Report, shall not be conducted until at least one year after the rules contained in this Part are filed with the Secretary of State and shall be conducted within 5 years.
 - 4) Initial ILCRA examinations of credit unions with total assets of less than \$10,000,000, as shown by its Year-end Call Report, shall not be conducted until at least one year after the rules contained in this Part are filed with the Secretary of State shall be conducted within 6 years.
- c) Mandatory ILCRA examinations of credit unions shall be conducted according to the following schedule:
 - 1) ILCRA examinations of credit unions with total assets of greater than or equal to \$250,000,000, as shown by its Year-end Call Report, shall be conducted as follows:
 - A) For a credit union that is assigned an “outstanding” or “satisfactory” rating in its most recent prior examination under the ILCRA, the next examination shall be initiated within 3 years of the issuance of the report of examination of its most recent prior examination under the ILCRA.

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- B) For a credit union that is assigned a “needs improvement” rating in its most recent prior examination under the ILCRA, the next examination shall be initiated within 2 years of the issuance of the report of examination of its most recent prior examination under the ILCRA.
 - C) For a credit union that is assigned a “substantial noncompliance” rating in its most recent prior examination under the ILCRA, the next examination shall be initiated within 1 year of the issuance of the report of examination of its most recent prior examination under the ILCRA.
- 2) ILCRA examinations of credit unions with total assets of less than \$250,000,000, as shown by its Year-end Call Report, shall be conducted as follows:
- A) For a credit union that is assigned an “outstanding” rating in its most recent prior examination under the ILCRA, the next examination shall be initiated within 5 years of the issuance of the report of examination of its most recent prior examination under the ILCRA.
 - B) For a credit union that is assigned a “satisfactory” rating in its most recent prior examination under the ILCRA, the next examination shall be initiated within 4 years of the issuance of the report of examination of its most recent prior examination under the ILCRA.
 - C) For a credit union that is assigned a “needs improvement” rating in its most recent prior examination under the ILCRA, the next examination shall be initiated within 2 years of the issuance of the report of examination of its most recent prior examination under the ILCRA.
 - D) For a credit union that is assigned a “substantial noncompliance” rating in its most recent prior examination under the ILCRA, the next examination shall be initiated within 1 year of the issuance of the report of examination of its most recent prior examination under the ILCRA.
- d) A credit union may request a mid-cycle review to evaluate whether a less than satisfactory rating may be modified. Upon receipt of such request, the Secretary may, in his or her sole discretion, conduct an additional mid-cycle review. All

1623 costs of such mid-cycle examination, as determined by the Secretary, shall be
1624 borne by the credit union and such costs shall be in addition to the examination
1625 fee required under Section 185.480.
1626

1627 **Section 185.480 Examination Fees**

1628
1629 a) Examination Fees

1630
1631 1) Time expended in the conduct of any examination of a credit union or its
1632 affiliates pursuant to Section 35-15 of the ILCRA shall be billed by the
1633 Department at a rate of \$2,200 per day. Fees will be billed following
1634 completion of the examination and shall be paid within 30 days after
1635 receipt of the billing. The examination fee shall increase by no more than
1636 5% annually.

1637
1638 2) When out-of-state travel occurs in the conduct of any examination, the
1639 credit union shall make arrangements to reimburse the Department all
1640 charges for services such as travel expenses, including airfare, hotel and
1641 per diem incurred by the employee. These expenses are to be in accord
1642 with applicable travel regulations published by the Department of Central
1643 Management Services and approved by the Governor's Travel Control
1644 Board (80 Ill. Adm. Code 2800).
1645

1646 b) Examination Assessments. Each credit union shall pay to the Department its pro
1647 rata share of the cost for administration of the ILCRA for credit unions that
1648 exceeds the examination fees paid pursuant to subsection (a) of this Section, as
1649 estimated by the Department, for the current year and any deficit actually incurred
1650 in the administration of the Act in prior years. The aggregate assessment may not
1651 increase by more than 5% annually. Each credit union's pro rata share of an
1652 assessment shall be the percentage that the assets shown on the credit union's
1653 Consolidated Statement of Financial Condition and Income bears to the total
1654 assets of all credit unions covered by the ILCRA.
1655

1656 c) All fees received pursuant to this Part shall be deposited in the Credit Union
1657 Fund.
1658

1659 **Section 185.490 Implementation Period**

1660
1661 a) Credit unions with total assets of \$250,000,000 or more shall have six months
1662 from the effective date of this Part to comply with the requirements of this Part.
1663

1664 b) Credit unions with total assets less than \$250,000,000 shall have one year from
1665 the effective date of this Part to comply with the requirements of this Part.

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Section 185.500 Enforcement

- a) Any failure to comply with a requirement of the ILCRA, this Part or other law referenced in ILCRA or this Part shall be grounds for enforcement actions as authorized under the ILCRA and under the Act, as applicable to the particular credit union.
- b) Any such failure to comply with a requirement of the ILCRA may also be grounds for referral to law enforcement or administrative authority with jurisdiction over the subject matter.
- c) In addition to any other action authorized by law, the Secretary may enter agreed upon orders, stipulations or settlement agreements for the purpose of resolving any such failure to comply.
- d) Except as otherwise specified in this Illinois Community Reinvestment Act or this Part, enforcement and supervision related to this Part shall be conducted consistent with 205 ILCS 305/9(3.5), 38 IL Adm. Code Section 190.25; and accompanying regulatory guidelines.

Section 185.510 Provisions for Granting of Variance from Rules

The Secretary may grant variances from this Part in individual cases where it is determined that in their sole discretion that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by granting the variance; and
- c) The Rule from which the variance is granted would, in the particular case, be unnecessarily burdensome.

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Section 185.APPENDIX A Ratings

- a) Ratings in general.
 - 1) In assigning a rating, the Secretary evaluates a credit union’s performance under the applicable performance criteria in this Part, in accordance with Section 185.200, Section 185.210, and Section 185.280. Notwithstanding any contrary provision in this Part, the Secretary may use as a basis to adjust a credit union’s overall rating consider the following:
 - A) Providing low-cost education loans to low-income borrowers;
 - B) Activities in cooperation with Community Development Financial Institutions, minority- or women-owned financial institutions;
 - C) Certification as a Community Development Financial Institution or designated as a Minority Depository Institution or Low-Income Designated credit union;
 - D) The offering of Special Credit Programs; and
 - E) The evidence of discriminatory or other illegal credit practices.
 - 2) A credit union’s performance need not fit each aspect of a particular rating profile in order to receive that rating, and exceptionally strong performance with respect to some aspects may compensate for weak performance in others. A rating shall take into consideration the credit union's defined membership by-law provisions, as prescribed in 205 ILCS 305/15, and the lending and investment authority restrictions under 205 ILCS 305/59. The credit union’s overall performance, however, must be consistent with safe and sound banking practices and generally with the appropriate rating profile as follows.
 - 3) The Secretary may take a credit union’s lack of previous experience with ILCRA examinations into account and the length of the implementation period into consideration while assessing the performance of the credit union during its first ILCRA examination.
- b) Credit Unions evaluated under the Lending and Service Tests.
 - 1) Lending Performance Rating. The Secretary assigns each credit union's lending performance one of the five following ratings.

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- A) Outstanding. The Secretary rates a credit union's lending performance "outstanding" if, in general, it demonstrates:
- i) Excellent responsiveness to credit needs in its assessment area, taking into account the number and amount of home mortgage, and consumer loans, if applicable, in its assessment area;
 - ii) An excellent geographic distribution of loans in its assessment area, provided however, a geographic analysis is relevant in the context of the credit union's membership by-law provisions;
 - iii) An excellent distribution, particularly in its assessment area(s), of loans among members of different income levels, given the product lines offered by the credit union;
 - iv) An excellent record of serving the credit needs of highly economically disadvantaged areas in its assessment area, and low-income members, including loans and other efforts to assist existing low- and moderate-income members to be able to remain in their neighborhoods, consistent with safe and sound operations;
 - v) Extensive use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- and moderate-income members or geographies;
 - vi) There is no evidence of loans that show an undue concentration and a systematic pattern of lending resulting in the loss of affordable housing units;
 - vii) An excellent record relative to fair lending policies and practices;
 - viii) It is a leader in making community development loans; and
 - ix) An excellent distribution of loans among individuals of different racial or other protected characteristics in areas identified as exhibiting significant disparities by race or other protected characteristics, if any, in access to lending products and services by a Disparity Study incorporated

into the examination process under Section 185.210(h) as compared to the baseline distributions in those areas as identified by the study.

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- B) High satisfactory. The Secretary rates a credit union’s lending performance “high satisfactory” if, in general, it demonstrates:
- i) Good responsiveness to credit needs in its assessment area, taking into account the number and amount of home mortgage, and consumer loans, if applicable, in its assessment area;
 - ii) A good geographic distribution of loans in its assessment area, provided however, a geographic analysis is relevant in the context of the credit union's membership by-law provisions;
 - iii) A good distribution, particularly in its assessment area, of loans among members of different income levels, given the product lines offered by the credit union;
 - iv) A good record of serving the credit needs of highly economically disadvantaged areas in its assessment area, and low-income members, including loans and other efforts to assist existing low- and moderate-income members to be able to remain in their neighborhoods, consistent with safe and sound operations;
 - v) Use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- and moderate-income members or geographies;
 - vi) There is no evidence of loans that show an undue concentration and a systematic pattern of lending resulting in the loss of affordable housing units;
 - vii) A good record relative to fair lending policies and practices; and
 - viii) It has made a relatively high level of community development loans.

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- C) Low satisfactory. The Secretary rates a credit union's lending performance "low satisfactory" if, in general, it demonstrates:
 - i) Adequate responsiveness to credit needs in its assessment area, taking into account the number and amount of home mortgage, and consumer loans, if applicable, in its assessment area;
 - ii) An adequate geographic distribution of loans in its assessment area, provided however, a geographic analysis is relevant in the context of the credit union's membership by-law provisions;
 - iii) An adequate distribution, particularly in its assessment area, of loans among members of different income levels, given the product lines offered by the credit union;
 - iv) An adequate record of serving the credit needs of highly economically disadvantaged areas in its assessment area, and low-income members, including loans and other efforts to assist existing low- and moderate-income members to be able to remain in their neighborhoods, consistent with safe and sound operations;
 - v) Limited use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- and moderate-income members or geographies;
 - vi) There is no evidence of loans that show an undue concentration and a systematic pattern of lending resulting in the loss of affordable housing units;
 - vii) An adequate record relative to fair lending policies and practices; and
 - ix) It has made an adequate level of community development loans.

- D) Needs to improve. The Secretary rates a credit union's lending performance "needs to improve" if, in general, it demonstrates:
 - i) Poor responsiveness to credit needs in its assessment area, taking into account the number and amount of home

- 1870 mortgage, and consumer loans, if applicable, in its
1871 assessment area;
1872
1873 ii) A poor geographic distribution of loans, particularly to
1874 low- and moderate-income geographies, in its assessment
1875 area, provided however, a geographic analysis is relevant in
1876 the context of the credit union's membership by-law
1877 provisions;
1878
1879 iii) A poor distribution, particularly in its assessment area, of
1880 loans among members of different income levels, given the
1881 product lines offered by the credit union;
1882
1883 iv) A poor record of serving the credit needs of highly
1884 economically disadvantaged areas in its assessment area,
1885 and low-income members, including loans and other efforts
1886 to assist existing low- and moderate-income members to be
1887 able to remain in their neighborhoods, consistent with safe
1888 and sound operations;
1889
1890 v) Little use of innovative or flexible lending practices in a
1891 safe and sound manner to address the credit needs of low-
1892 and moderate-income members or geographies;
1893
1894 vi) There is possible evidence of loans that show an undue
1895 concentration and a systematic pattern of lending resulting
1896 in the loss of affordable housing units;
1897
1898 vii) A poor record relative to fair lending policies and practices;
1899 and
1900
1901 viii) It has made a low level of community development loans.
1902
1903 E) Substantial noncompliance. The Secretary rates a credit union's
1904 lending performance as being in "substantial noncompliance" if, in
1905 general, it demonstrates:
1906
1907 i) A very poor responsiveness to credit needs in its
1908 assessment area, taking into account the number and
1909 amount of home mortgage, and consumer loans, if
1910 applicable, in its assessment area;
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- ii) A very poor geographic distribution of loans, particularly to low- and moderate-income geographies, in its assessment area, provided however, a geographic analysis is relevant in the context of the credit union's membership by-law provisions;
 - iii) A very poor distribution, particularly in its assessment area, of loans among members of different income levels, given the product lines offered by the credit union;
 - iv) A very poor record of serving the credit needs of highly economically disadvantaged areas in its assessment area, and low-income members, including loans and other efforts to assist existing low- and moderate-income members to be able to remain in their neighborhoods, consistent with safe and sound operations;
 - v) No use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- and moderate-income members or geographies;
 - vi) Origination of loans that show an undue concentration and a systematic pattern of lending resulting in the loss of affordable housing units;
 - vii) A very poor record relative to fair lending policies and practices; and
 - viii) It has made few, if any, community development loans.
- 2) Service performance rating. The Secretary assigns each credit union's service performance one of the five following ratings.
- A) Outstanding. The Secretary rates a credit union's service performance "outstanding" if, in general, the credit union demonstrates:
 - i) Its service delivery systems are readily accessible to members and geographies of different income levels in its assessment area;
 - ii) To the extent changes have been made, its record of opening and closing branches has improved the

- 1955 accessibility of its delivery systems, particularly to low-
1956 and moderate-income members or in low- and moderate-
1957 income geographies;
1958
1959 iii) Its services (including, where appropriate, business hours)
1960 are tailored to the convenience and needs of its assessment
1961 area, particularly low- and moderate-income members or in
1962 low- and moderate-income geographies;
1963
1964 iv) It is a leader in providing community development
1965 services; and
1966
1967 v) Excellent performance in the above criteria in areas, if any,
1968 identified as exhibiting significant disparities by race or
1969 other protected characteristics in access to community
1970 development services by a Disparity Study incorporated
1971 into the examination process under Section 185.210(h) as
1972 compared to the baseline performance levels in those areas
1973 as identified by the study.
1974
1975 B) High satisfactory. The Secretary rates a credit union's service
1976 performance "high satisfactory" if, in general, the credit union
1977 demonstrates:
1978
1979 i) Its service delivery systems are accessible to members and
1980 geographies of different income levels in its assessment
1981 area;
1982
1983 ii) To the extent changes have been made, its record of
1984 opening and closing branches has not adversely affected the
1985 accessibility of its delivery systems, particularly to low-
1986 and moderate-income members and in low- and moderate-
1987 income geographies;
1988
1989 iii) Its services (including, where appropriate, business hours)
1990 do not vary in a way that inconveniences its assessment
1991 area, particularly low- and moderate-income members and
1992 low- and moderate-income geographies; and
1993
1994 iv) It provides a relatively high level of community
1995 development services.
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- C) Low satisfactory. The Secretary rates a credit union's service performance "low satisfactory" if, in general, the credit union demonstrates:
- i) Its service delivery systems are reasonably accessible to members and geographies of different income levels in its assessment area;
 - ii) To the extent changes have been made, its record of opening and closing branches has generally not adversely affected the accessibility of its delivery systems, particularly to low- and moderate-income members and in low- and moderate-income geographies;
 - iii) Its services (including, where appropriate, business hours) do not vary in a way that inconveniences its assessment area, particularly low- and moderate-income members and low- and moderate-income geographies; and
 - iv) It provides an adequate level of community development services.
- D) Needs to improve. The Secretary rates a credit union's service performance "needs to improve" if, in general, the credit union demonstrates:
- i) Its service delivery systems are unreasonably inaccessible to portions of its assessment area, particularly to low- and moderate-income members or to low- and moderate-income geographies;
 - ii) To the extent changes have been made, its record of opening and closing branches has adversely affected the accessibility its delivery systems, particularly to low- and moderate- income members or in low- and moderate-income geographies;
 - iii) Its services (including, where appropriate, business hours) vary in a way that inconveniences its assessment area, particularly low- and moderate-income members or low- and moderate-income geographies; and

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- iv) It provides a limited level of community development services.
 - E) Substantial noncompliance. The Secretary rates a credit union's service performance as being in "substantial noncompliance" if, in general, the credit union demonstrates:
 - i) Its service delivery systems are unreasonably inaccessible to significant portions of its assessment area, particularly to low- and moderate-income members or to low- and moderate-income geographies;
 - ii) To the extent changes have been made, its record of opening and closing branches has significantly adversely affected the accessibility of its delivery systems, particularly to low- and moderate-income members or in low- and moderate-income geographies;
 - iii) Its services (including, where appropriate, business hours) vary in a way that significantly inconveniences its assessment area, particularly low- and moderate-income members or low- and moderate-income geographies; and
 - iv) It provides few, if any, community development services.
 - c) Investment performance rating. The Secretary assigns each credit union's investment performance one of the five following ratings.
 - 1) Outstanding. The Secretary rates a credit union's investment performance "outstanding" if, in general, it demonstrates:
 - A) An excellent level of qualified investments, particularly those that are not routinely provided by private investors, often in a leadership position;
 - B) Extensive use of innovative or complex qualified investments;
 - C) Excellent responsiveness to credit and community development needs; and
 - D) Excellent performance in the above criteria in areas, if any, identified as exhibiting significant disparities by race or other protected characteristics, if any, in access to qualified investments

2082 by a Disparity Study incorporated into the examination process
2083 under Section 185.210(h) as compared to the baseline performance
2084 levels in those areas as identified by the study.
2085

- 2086 2) High Satisfactory. The Secretary rates a credit union's investment
2087 performance "high satisfactory" if, in general, it demonstrates:
2088
- 2089 A) A significant level of qualified investments, particularly those that
2090 are not routinely provided by private investors, although rarely in a
2091 leadership position;
2092
 - 2093 B) Significant use of innovative or complex qualified investments;
2094 and
2095
 - 2096 C) Good responsiveness to credit and community development needs.
2097
- 2098 3) Low satisfactory. The Secretary rates a credit union's investment
2099 performance "low satisfactory" if, in general, it demonstrates:
2100
- 2101 A) An adequate level of qualified investments, particularly those that
2102 are not routinely provided by private investors, although rarely in a
2103 leadership position;
2104
 - 2105 B) Occasional use of innovative or complex qualified investments;
2106
 - 2107 C) Adequate responsiveness to credit and community development
2108 needs; and
2109
- 2110 4) Needs to improve. The Secretary rates a credit union's investment
2111 performance "needs to improve" if, in general, it demonstrates:
2112
- 2113 A) A poor level of qualified investments, particularly those that are
2114 not routinely provided by private investors;
2115
 - 2116 B) Rare use of innovative or complex qualified investments; and
2117
 - 2118 C) Poor responsiveness to credit and community development needs.
2119
- 2120 5) Substantial noncompliance. The Secretary rates a credit union's
2121 investment performance as being in "substantial noncompliance" if, in
2122 general, it demonstrates:
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- A) Few, if any, qualified investments, particularly those that are not routinely provided by private investors;
 - B) No use of innovative or complex qualified investments; and
 - C) Very poor responsiveness to credit and community development needs.
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- d) Wholesale or limited purpose credit unions. The Secretary assigns each wholesale or limited purpose credit union's community development performance one of the four following ratings.
- 2136
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- 1) Outstanding. The Secretary rates a wholesale or limited purpose credit union's community development performance "outstanding" if, in general, it demonstrates:
 - 2140
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 - A) A high level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;
 - 2144
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 - B) Extensive use of innovative or complex qualified investments, community development loans, or community development services; and
 - 2148
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2150
 - C) Excellent responsiveness to credit and community development needs in its assessment area.
 - 2) Satisfactory. The Secretary rates a wholesale or limited purpose credit union's community development performance "satisfactory" if, in general, it demonstrates:
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2154
 - A) An adequate level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;
 - 2155
2156
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2158
 - B) Occasional use of innovative or complex qualified investments, community development loans, or community development services; and
 - 2159
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 - C) Adequate responsiveness to credit and community development needs in its assessment area.
- 2163
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- 2166 3) Needs to improve. The Secretary rates a wholesale or limited purpose
2167 credit union's community development performance as "needs to
2168 improve" if, in general, it demonstrates:
2169
- 2170 A) A poor level of community development loans, community
2171 development services, or qualified investments, particularly
2172 investments that are not routinely provided by private investors;
2173
 - 2174 B) Rare use of innovative or complex qualified investments,
2175 community development loans, or community development
2176 services; and
2177
 - 2178 C) Poor responsiveness to credit and community development needs
2179 in its assessment area.
2180
- 2181 4) Substantial noncompliance. The Secretary rates a wholesale or limited
2182 purpose credit union's community development performance in
2183 "substantial noncompliance" if, in general, it demonstrates:
2184
- 2185 A) Few, if any, community development loans, community
2186 development services, or qualified investments, particularly
2187 investments that are not routinely provided by private investors;
2188
 - 2189 B) No use of innovative or complex qualified investments,
2190 community development loans, or community development
2191 services; and
2192
 - 2193 C) Very poor responsiveness to credit and community development
2194 needs in its assessment area.
2195
- 2196 e) Credit Unions evaluated under the small credit union performance standards.
2197
- 2198 1) Lending test ratings for small credit unions.
2199
 - 2200 A) Eligibility for a satisfactory rating. The Secretary rates a small
2201 credit union's performance "satisfactory" if, in general, the credit
2202 union demonstrates:
2203
 - 2204 i) A reasonable loan-to-share ratio (considering seasonal
2205 variations) given the credit union's size, financial
2206 condition, the credit needs of its assessment area(s), and
2207 taking into account, as appropriate, lending-related
2208 activities such as loan originations for sale to the secondary

- 2209 markets and community development loans and qualified
2210 investments;
- 2211
- 2212 ii) A majority of its loans and, as appropriate, other lending-
2213 related activities are in its assessment area;
- 2214
- 2215 iii) A distribution of loans to and, as appropriate, other lending
2216 related-activities for individuals of different income levels
2217 (including low- and moderate-income individuals) and
2218 businesses and farms of different sizes that is reasonable
2219 given the demographics of the credit union's assessment
2220 area;
- 2221
- 2222 iv) A record of taking appropriate action, as warranted, in
2223 response to written complaints, if any, about the credit
2224 union's performance in helping to meet the credit needs of
2225 its assessment area and reasonable performance with regard
2226 to fair lending policies and practices; and
- 2227
- 2228 v) A reasonable geographic distribution of loans given the
2229 credit union's assessment area.
- 2230
- 2231 B) Eligibility for an outstanding rating. A small credit union that
2232 meets each of the standards for a "satisfactory" rating under this
2233 paragraph and exceeds some or all of those standards may warrant
2234 consideration for an overall rating of "outstanding."
- 2235
- 2236 C) Needs to improve or substantial noncompliance ratings. A small
2237 credit union also may receive a rating of "needs to improve" or
2238 "substantial noncompliance" depending on the degree to which its
2239 performance has failed to meet the standards for a "satisfactory"
2240 rating.
- 2241
- 2242 2) Community Development Test Ratings for Intermediate Small Credit
2243 Unions
- 2244
- 2245 A) Eligibility for a Satisfactory Community Development Test Rating.
2246 The Secretary rates an intermediate small credit union's
2247 community development performance "satisfactory" if the credit
2248 union demonstrates adequate responsiveness to the community
2249 development needs of its assessment area or a broader statewide or
2250 regional area that includes the credit union's assessment area
2251 through community development loans, qualified investments, and

- 2252 community development services. The adequacy of the credit
2253 union's response will depend on its capacity for such community
2254 development activities, its assessment area's need for such
2255 community development activities, and the availability of such
2256 opportunities for community development in the credit union's
2257 assessment area.
2258
- 2259 B) Eligibility for an Outstanding Community Development Test
2260 Rating. The Secretary rates an intermediate small credit union's
2261 community development performance "outstanding" if the credit
2262 union demonstrates excellent responsiveness to community
2263 development needs in its assessment area through community
2264 development loans, qualified investments, and community
2265 development services, as appropriate, considering the credit
2266 union's capacity and the need and availability of such
2267 opportunities for community development in the credit union's
2268 assessment area.
2269
- 2270 C) Needs to Improve or Substantial Noncompliance Ratings. An
2271 intermediate small credit union may also receive a community
2272 development test rating of "needs to improve" or "substantial
2273 noncompliance" depending on the degree to which its performance
2274 has failed to meet the standards for a "satisfactory" rating
2275
- 2276 3) Service test rating for credit unions that are intermediate small credit
2277 unions: A credit union that is an intermediate small credit union will be
2278 rated under the service test in accordance with (b)(2) of 185.APPENDIX
2279 A (Ratings).
2280
- 2281 f) Overall rating
2282
- 2283 1) Eligibility for a satisfactory overall rating. No intermediate small credit
2284 union may receive an assigned overall rating of "satisfactory" unless it
2285 receives a rating of at least "satisfactory" on both the lending test and
2286 community development test.
2287
- 2288 2) Eligibility for an outstanding overall rating.
2289
- 2290 A) An intermediate small credit union that receives an "outstanding"
2291 rating on one test and at least "satisfactory" on the other test may
2292 receive an assigned overall rating of "outstanding".
2293

- 2294 B) A small credit union that is not an intermediate small credit union
2295 that meets each of the standards for a "satisfactory" rating under
2296 the lending test and exceeds some or all of those standards may
2297 warrant consideration for an overall rating of "outstanding". In
2298 assessing whether a credit union's performance is "outstanding",
2299 the Secretary considers the extent to which the credit union
2300 exceeds each of the performance standards for a "satisfactory"
2301 rating and its performance in making qualified investments and its
2302 performance in providing branches and other services and delivery
2303 systems that enhance credit availability in its assessment area.
2304
- 2305 3) Needs to improve or substantial noncompliance overall rating. A small
2306 credit union may also receive a rating of "needs to improve" or
2307 "substantial noncompliance" depending on the degree to which its
2308 performance has failed to meet the standards for a "satisfactory" rating.
2309
- 2310 g) Strategic plan assessment and rating
2311
- 2312 1) Satisfactory goals. The Secretary approves as "satisfactory" measurable
2313 goals that adequately help to meet the credit needs of the credit union's
2314 assessment area.
2315
- 2316 2) Outstanding goals. If the plan identifies a separate group of measurable
2317 goals that substantially exceed the levels approved as "satisfactory", the
2318 Secretary will approve those goals as "outstanding".
2319
- 2320 3) Rating. The Secretary assesses the performance of a credit union operating
2321 under an approved plan to determine if the credit union has met its plan
2322 goals:
2323
- 2324 A) If the credit union substantially achieves its plan goals for a
2325 satisfactory rating, the Secretary will rate the credit union's
2326 performance under the plan as "satisfactory".
2327
- 2328 B) If the credit union exceeds its plan goals for a satisfactory rating
2329 and substantially achieves its plan goals for an outstanding rating,
2330 the Secretary will rate the credit union's performance under the
2331 plan as "outstanding".
2332
- 2333 C) If the credit union fails to meet substantially its plan goals for a
2334 satisfactory rating, the Secretary will rate the credit union as either
2335 "needs to improve" or "substantial noncompliance", depending on
2336 the extent to which it falls short of its plan goals, unless the credit

2337 union elected in its plan to be rated otherwise, as provided in
2338 Section 185.270(f)(4).

2339
2340 h) Other eligible criteria for an outstanding rating. A credit union that achieves at
2341 least a "satisfactory" rating under the lending and service tests may warrant
2342 consideration for an overall rating of "outstanding". In assessing whether a credit
2343 union 's performance is "outstanding", the Secretary will also consider the credit
2344 union's performance in making qualified investments and community
2345 development loans to the extent authorized under law.

2346
2347 i) Component test ratings. The Secretary may develop, by written policy or
2348 directive, a matrix system which sets forth the methodology for aggregating a
2349 credit union's scores on the lending, service, and investment tests to arrive at an
2350 assigned rating.
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Section 185.APPENDIX B ILCRA Notice

- a) Notice for main office. A credit union shall prominently display the following notice at its main office and on its website.

ILLINOIS COMMUNITY REINVESTMENT ACT NOTICE

Under the Illinois Community Reinvestment Act (ILCRA), the Secretary of the Department of Financial and Professional Regulation (Secretary) evaluates our record of helping to meet the credit needs of this community consistent with safe and sound operations, and consistent with our common bond. The Secretary also takes this record into account when deciding on certain applications submitted by us.

Your involvement is encouraged.

You are entitled to certain information about our operations and our performance under the ILCRA, including, for example, information about our branches, such as their location and services provided at them; the public section of our most recent ILCRA Performance Evaluation, prepared by the Secretary; and comments received from the public relating to our performance in helping to meet community credit needs, as well as our responses to those comments. You may review this information today.

At least 30 days before the beginning of each quarter, the Secretary publishes a list of the credit unions that are scheduled for ILCRA examination by the Secretary in that quarter. This list is available from the Secretary at 320 West Washington Street, 3rd Floor Springfield, IL 62786 and 555 W. Monroe St., Suite 500, Chicago, IL 60661. You may send written comments about our performance in helping to meet community credit needs to (name and address of official at credit union) and to the Secretary at 320 West Washington Street, 3rd Floor Springfield, IL 62786 and 555 W. Monroe St., Suite 500, Chicago, IL 60661 or electronically at <https://idfpr.illinois.gov/Admin/CRA.asp>. Your letter, together with any response by us, will be considered by the Secretary in evaluating our ILCRA performance and may be made public.

You may ask to look at any comments received by the Secretary. You may also request from the Secretary an announcement of our applications covered by the ILCRA filed with the Secretary. [We are an affiliate of (name of holding company), a bank holding company].

- b) Notice for branch offices. A credit union shall prominently display the following notice at all branch offices and on its website.

ILLINOIS COMMUNITY REINVESTMENT ACT NOTICE

2394 Under the Illinois Community Reinvestment Act (ILCRA), the Secretary of the Department of
2395 Financial and Professional Regulation (Secretary) evaluates our record of helping to meet the
2396 credit needs of this community consistent with safe and sound operations. The Secretary also
2397 takes this record into account when deciding on certain applications submitted by us.

2398
2399 Your involvement is encouraged.

2400
2401 You are entitled to certain information about our operations and our performance under the
2402 ILCRA. You may review today the public section of our most recent ILCRA evaluation,
2403 prepared by Secretary, and a list of services provided at this branch. You may also have access to
2404 the following additional information, which we will make available to you at this branch within
2405 five calendar days after you make a request to us:

- 2406
- 2407 1) a map showing the assessment area containing this branch, which is the area in
2408 which the Secretary evaluates our ILCRA performance in this community or other
2409 documentation showing the assessment area;
 - 2410 2) information about our branches in this assessment area;
 - 2411 3) a list of services we provide at those locations;
 - 2412 4) data on our lending performance in this assessment area; and
 - 2413 5) copies of all written comments received by us that specifically relate to our
2414 ILCRA performance in this assessment area, and any responses we have made to
2415 those comments. If we are operating under an approved strategic plan, you may
2416 also have access to a copy of the plan.

2417
2418 If you would like to review information about our ILCRA performance in other communities
2419 served by us, the public file for our entire credit union is available at (name of office located in
2420 state), located at (address).

2421
2422 At least 30 days before the beginning of each quarter, the Secretary publishes a list of the credit
2423 unions that are scheduled for ILCRA examination by the Secretary in that quarter. This list is
2424 available from the Secretary at 320 West Washington Street, 3rd Floor Springfield, IL 62786 and
2425 555 W. Monroe St., Suite 500, Chicago, IL 60661. You may send written comments about our
2426 performance in helping to meet community credit needs to (name and address of official at credit
2427 union) and to the Secretary at 320 West Washington Street, 3rd Floor Springfield, IL 62786 and
2428 555 W. Monroe St., Suite 500, Chicago, IL 60661 or electronically at
2429 <https://idfpr.illinois.gov/Admin/CRA.asp>. Your letter, together with any response by us, will be
2430 considered by the Secretary in evaluating our ILCRA performance and may be made public.

2431
2432 You may ask to look at any comments received by the Secretary. You may also request from the
2433 Secretary an announcement of our applications covered by the ILCRA filed with the Secretary.
2434 (We are an affiliate of (name of holding company), a holding company. You may request from
2435 (title of responsible official), Federal Reserve Bank of _____ (address) an announcement of
2436 applications covered by the ILCRA filed by holding companies.)

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- c) The Secretary may update the address(es) or web address(es) to be included on the required notices by posting a notice of the change of address(es) to the Department's website at least 30 days prior to the change.

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Section 185.APPENDIX C Examples of Community Development

Examples of services, programs, sponsorships, donations, lawful investments, deposits, memberships shares, grants, other activities which may be deemed to have the primary purpose of community development include, but are not limited to the following:

- a) Establishment of or material support of charitable donation accounts and donor advised funds that benefit charitable organization which help meet the financial services needs of low-income and moderate-income neighborhoods or individuals within the credit union’s assessment area;
- b) Establishment of or material support of foundations and other affiliated companies that provide programs and services to meet the credit needs of low-income to moderate-income neighborhoods;
- c) Offering products and services targeted to expand access to safe and affordable banking services;
- d) Provision or support of community development services that directly and tangibly benefit the assessment area;
- e) Offering products and services and/or provision of investments targeted to directly and tangibly increase climate resilience in low-income to moderate-income neighborhoods;
- f) Offering products and services and or provision of investments targeted to directly and tangibly mitigate environmental harm in low-income to moderate-income neighborhoods;
- g) Participating in Invest in Illinois or other similar state or federal programs which have the primary purpose of community development; and
- h) Participating in an activity listed on the Office of the Comptroller of the Currency’s CRA Illustrative List of Qualifying Activities (May 20, 2020).

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Section 185.APPENDIX D Alternative Examination Procedures for Credit Unions with Assets less than \$10,000,000

- a) Describe your activities to ascertain the financial services needs of the community, if any, and provide supporting documentation.
- b) Describe the extent of marketing, if any, to make members of the community aware of the financial services offered and provide supporting documentation.
- c) Describe your efforts and successes, if any, to assist existing low-income and moderate-income residents to be able to remain in affordable housing in their neighborhoods.
- d) Describe efforts and successes to assist existing low-income and moderate-income residents to be able to remain in affordable housing in their neighborhoods including, but not limited to, origination of mortgage loans including and home improvement and rehabilitation loans. At the discretion of the Secretary, a credit union shall also be required to submit to the Department:
 - 1) HMDA-LAR Quarterly Reports; or
 - 2) The following applicant information:
 - A) Application date
 - B) Loan Type
 - C) Property Type
 - D) Purpose
 - E) Owner Occupancy
 - F) Pre-approval
 - G) Loan Action Taken (details and date)
 - H) Property Address
 - I) Applicant's Ethnicity
 - J) Applicant's Race

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K) Applicant's Sex

L) Gross Annual Income

- e) For small business lenders, the application and loan details regarding origination of loans to businesses with gross annual revenues of \$1,000,000.00 or less, particularly those in low-income and moderate-income neighborhoods.
- f) Describe your participation, if any, including investments, in community development and redevelopment programs, small business technical assistance programs, minority-owned depository institutions, community development financial institutions, and mutually-owned financial institutions, if any, and provide supporting documentation.
- g) Describe your efforts and successes working with delinquent customers to facilitate a resolution of the delinquency and provide supporting documentation. At the discretion of the Secretary, a credit union shall also be required submit to the Department:
 - 1) A delinquency report for the last six months;
 - 2) Collection notes for loans delinquent for sixty or more days; and
 - 3) Current loan status.
- h) Describe your efforts and successes, if any, to offer retail banking services to unbanked and underbanked persons and provide supporting documentation.
- i) Provide a written response to any public comments, if any, received since your last examination.
- j) Provide any other information you believe is relevant to assessing whether you are meeting the financial services needs of local communities.